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Remarks

Claims 1, 3, 5-13 and 15-21 are pending in this application. Claim 2 has been canceled. Independent claims 1 and 12 have been amended. Support for the amendments can be found throughout the Specification, and in particular, on page 5, line 26 to page 6, line 2; page 8, lines 9-11; claim 2 as originally filed; and Figure 1.

Dependent claims 6-9 and 15 have been amended to correctly reference the claims as amended.

Interview Summary

Applicants thank the Examiner for granting a telephonic interview with the undersigned to discuss the application on January 24, 2006. Claims 1 and 12 were discussed in light of the Sandvig '225 reference. Although agreement was not reached, Applicants' appreciate the Examiner's comments and have considered them carefully in light of the amendments and response as described below.

Claim Rejection under 37 U.S.C. §102

Claims 1-3, 5-8 and 16-18 are rejected under 37 U.S.C. 102(b) as being anticipated by Sandvig '225. The Examiner asserts that the '225 reference discloses in Figures 9A and 9B "a custom footbed comprising a substrate 54, having an upper surface with contours . . . , a depression . . . and a compressible wound spacer 52 . . . attached to the upper surface of the substrate (fig. 9D)."

Applicants have amended claim 1 recite "a compressible wound spacer located within the depression on the upper surface of the substrate." Considering the Examiner's reference to Sandvig's resin-impregnated foam block 54 as the substrate, Applicants respectfully submit that the orthotic 52 (identified by the Examiner as wound spacer 52) is not compressible. Rather, orthotic 52 is formed using an orthopedic casting tape. In Sandvig, it is the substrate 54 that is compressible, not the orthotic 52. As recited in col. 18, lines 9-17 (emphasis added):

Referring now to FIG. 9B, once orthotic 52 has been *formed*, an activated resin-impregnated block 54 within the scope of the present invention is oriented directly below the arch of foot orthotic 52. As seen in FIGS. 9C and 9D, the rigid foot orthotic shell is then *pressed down* on the activated resin-impregnated foam block 54. Again, the foam *compresses to conform* to the bottom contours of orthotic 52, while providing a flat support surface on the bottom of block 54.

Further, Sandvig fails to teach a wound spacer that is located within the depression on the upper surface of the substrate. Accordingly, for at least the above reasons, the Sandvig '225 reference fails to teach all elements of the claims and cannot anticipate the claims as amended.

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Claim Rejection under 37 U.S.C. §103

Claims 9-13 and 19-20 are rejected under 37 U.S.C. 103(a) as being obvious over Sandvig '225 in view of Sandvig '047. The Office Action recognizes that '225 fails to disclose a contact layer attached to the upper surface of the substrate, and relies on '047 for that disclosure. For the reasons given above, adding the contact layer of '047 does not cure the deficiencies of the '225 reference.

Applicants have amended claim 12 to clarify the scope of the invention. In light of the Examiner's interpretation that the orthotic 52 and foam block 54 correspond to Applicants' wound spacer and curable substrate respectively (which Applicants' dispute), both Sandvig '225 and Sandvig '047 (alone or in combination) fail to disclose a compressible surface, or that the compressible surface supports the foam block 54; or that the foam block 54 is located between the orthotic 52 and any compressible surface. Reconsideration and withdrawal of the §103(a) rejections based on the above references are requested.

Conclusion

All outstanding objections and rejections are believed to have been met and overcome. If a telephonic conference with Applicants' undersigned representative would be useful in advancing the prosecution of the present application, the Examiner is invited to contact the undersigned at (651) 733-2180. A notice of allowance for all pending claims is respectfully solicited.

Respectfully submitted,

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